

***A REGULAR MEETING OF THE FAUQUIER COUNTY BOARD OF SUPERVISORS
WAS HELD FEBRUARY 24, 2003 AT 1:00 P.M. IN WARRENTON, VIRGINIA***

Due to extremely severe winter weather conditions, the Fauquier County Government offices were closed on Tuesday, February 18, 2003, and the regular meeting of the Board of Supervisors was postponed until Monday, February 24, 2003.

P R E S E N T Mr. Harry Atherton, Chairman; Mr. Joe Winkelmann, Vice Chairman; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks; Mr. G. Robert Lee, County Administrator; Mr. Paul S. McCulla, County Attorney

A B S E N T None

AGENDA REVIEW

The Board of Supervisors reviewed the agenda.

EMERY & GARRETT GROUNDWATER, INC., GROUNDWATER RESOURCES BRIEFING

Mr. Atherton stated that the presentation by Emery & Garrett Groundwater, Inc., was postponed until the March 17, 2003 regular Board meeting.

COUNTY ADMINISTRATOR'S PROPOSED FY 2004 BUDGET SUMMARY

G. Robert Lee, County Administrator, presented a summary of the proposed Fiscal Year 2004 Budget.

CAPITAL IMPROVEMENTS PLAN BUDGET REVIEW

Richard Robison, Chairman of the Planning Commission, explained the review process and recommendations of the Planning Commission for the Capital Improvements Plan for Fiscal Years 2004-2008.

PUBLIC SAFETY RADIO SYSTEM UPDATE

Anthony Hooper, Assistant County Administrator, provided a progress update for the Public Safety Radio System and presented a Change Order for the Board's consideration.

CLOSED SESSION REGARDING PERSONNEL MATTERS – CAO EVALUATION

Mr. Graham moved to go into a closed meeting pursuant to Virginia Code § 2.2-3711.A.1 for consultation with the County Administrator to discuss personnel matters not releasable to the public. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Upon reconvening from the closed meeting, Mr. Winkelmann moved to adopt the following certification. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Joe Winkelmann; Mr. Harry Atherton; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

CERTIFICATION OF CLOSED MEETING

WHEREAS, the Fauquier County Board of Supervisors has convened a closed meeting on this date pursuant to an affirmative recorded vote and in accordance with the provision of the Virginia Freedom of Information Act; and

WHEREAS, Section 2.2-3711.A.1 of the Code of Virginia requires a certification by this Board of Supervisors that such closed meeting was conducted in conformity with Virginia Law; now, therefore, be it

RESOLVED this 24th day of February 2003, That the Fauquier County Board of Supervisors certifies that, to the best of each member's knowledge (i) only public business matters lawfully exempted from open meeting requirements by Virginia law were discussed in the closed meeting to which this certification resolution applies, and (ii) only such public business matters as were identified in the motion convening the closed meeting were heard, discussed or considered by the Fauquier County Board of Supervisors.

VOTE:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

DISCUSSION OF AUTHORITY TO WAIVE A PORTION OF THE CURRENT PERSONAL PROPERTY TAX LATE PAYMENT PENALTY

Mr. Winkelmann requested that the discussion of authority to waive a portion of the current personal property tax late payment penalty be postponed until the next regular Board meeting on March 17, 2003.

JOINT WORK SESSION WITH SCHOOL DIVISION TO REVIEW FY 2004 BUDGET

A joint work session was held with the Board of Supervisors and the School Board to review the proposed Fiscal Year 2004 Budget.

ADOPTION OF THE AGENDA

Mr. Winkelmann moved to adopt the Agenda, with the following changes. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

- Remove consent agenda item “p”, Consider Preliminary Subdivision Application, #PP03-C-09, The Hills at Old Auburn, and add as regular agenda as item “7”.
- Withdraw, at the request of applicant, regular agenda item “2”, Consider Rezoning Request, #RZ 03-M-01, Carlin W. Mills and Harold E. Mills, owners and J. William, Gilliam applicant – JWG, LLC.
- Accept substitute resolution for regular agenda item “5”, A Resolution Amending the Board of Supervisors’ Proffer Policy.
- Remove public hearing item “i”, Rezoning Request, #RZ-03-C-04, Margaret A. Hufnagel and Others, owners, and Landmark Property Development, LLC, applicant – Raymond Farm, to be postponed indefinitely.
- Add consent agenda item “q”, A Resolution to Amend the FY 2003 Adopted Budget (Capital Fund) in the Amount of \$68,650.
- Add consent agenda item “r”, A Resolution to Authorize the Submission of TEA-21 Reauthorization Projects.
- Add consent agenda item “s”, A Resolution to Award a Change Order to the Contract of Earl Telecom, LLC, for the View Tree Tower Shelter.
- Add consent agenda item “t”, A Resolution to Authorize a Change in the Location of the Fauquier County Board of Supervisors’ Regular Meeting of March 17, 2003.

CITIZENS TIME

- Helen McMahon, representing Piedmont Child Care, asked the Board to consider a request for tax abatement for the childcare facility.

PROCLAMATIONS AND RECOGNITIONS

- Mr. Graham presented a Proclamation to Recognize the Heroism of Dennis Davidson.
- Mr. Winkelmann presented to Tom Ferrell and Josh Campbell a Proclamation to Honor Head Coach Tom Ferrell and the Fauquier Falcons Football Team.

CONSENT AGENDA

Mr. Winkelmann moved to approve the following consent agenda items. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

Approval of the Minutes for the January 21, 2003 Regular Meeting of the Fauquier County Board of Supervisors

A Resolution to Designate Grant Applicant's Agent

RESOLUTION

A RESOLUTION TO DESIGNATE GRANT APPLICANT'S AGENT

WHEREAS, the Department of Justice, through the Virginia Department of Emergency Management, has informed Fauquier County of its intent to award grants to assist in preparation for Fauquier County's response to weapons of mass destruction incidents; and

WHEREAS, a requirement for the award of these grants is the designation of a Grant Applicant's Agent; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the County Administrator be, and is hereby, authorized to execute for, and on behalf of, Fauquier County, a public entity established under the laws of the State of Virginia, grant applications for the years 1999, 2000, 2001 and 2002, and to file such applications in the appropriate State Office for the purpose of obtaining certain Federal financial assistance under the Office of Justice Programs, National Domestic Preparedness Office Grant Programs, administered by the Commonwealth of Virginia; and, be it

RESOLVED FURTHER, That Fauquier County hereby authorizes its agent to provide to the Commonwealth, and to the Office of Justice Programs (OJP) for all matters pertaining to such Federal financial assistance, any and all information pertaining to these Grants as may be requested.

A Resolution to Authorize a Period of Exemption at the Landfill for the Receipt of Tires from Residents

RESOLUTION

A RESOLUTION TO AUTHORIZE THE DEPARTMENT OF ENVIRONMENTAL SERVICES TO HOLD A WASTE TIRE AMNESTY PROGRAM FOR COUNTY RESIDENTS

WHEREAS, it has been determined that the waste tires throughout Fauquier County present a potential health hazard to County residents; and

WHEREAS, it is a known fact that waste tires are a breeding place for mosquitoes that carry and transmit the West Nile Virus; and

WHEREAS, it is in the best interest of all County residents to removal all waste tires from their property to help eliminate this threat; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That Fauquier County shall waive the fee for disposal of tires during the period of March 10, 2003 to March 22, 2003.

A Resolution to Refer to the Planning Commission for its Consideration an Application for a Special Exception Permit to Construct a Public Utility to Serve the Airport and Adjoining Properties

RESOLUTION

A RESOLUTION TO REFER TO THE PLANNING COMMISSION FOR ITS CONSIDERATION AN APPLICATION FOR A SPECIAL EXCEPTION PERMIT TO CONSTRUCT A PUBLIC UTILITY TO SERVE THE AIRPORT AND ADJOINING PROPERTIES

WHEREAS, the Warrenton-Fauquier Airport Committee and staff have been seeking an improved means of providing a waste disposal system to serve the airport, existing businesses and adjacent properties; and

WHEREAS, engineering plans have been prepared to construct an alternative treatment system and drainfield; and

WHEREAS, representatives of the Department of Community Development, Fauquier County Water and Sanitation Authority and Health Department have worked to develop plans for a drip irrigation system and drainfield; and

WHEREAS, the Fauquier County Zoning Code requires a Special Exception Permit, Category 20 Public Utilities, for this project; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That consideration of a Special Exception Permit for a Public Utility to serve the Airport and adjoining properties be referred to the Fauquier County Planning Commission for review and recommendation.

A Resolution Accepting the Award of Recreational Access Grant Funding for the Central Fauquier Sports Complex and Community Park

RESOLUTION

A RESOLUTION ACCEPTING THE AWARD OF
RECREATIONAL ACCESS GRANT FUNDING FOR THE
CENTRAL FAUQUIER SPORTS COMPLEX AND COMMUNITY PARK

WHEREAS, the Central Fauquier Sports Complex and Community Park is owned and is to be jointly developed by the County of Fauquier and the Fauquier Youth Sports Coordination Council as a recreational facility serving the residents of Fauquier County and adjoining localities; and

WHEREAS, the facility is in need of adequate vehicular and bicycle access; and

WHEREAS, the procedure governing the allocation of recreational access funds, as set forth in Section 33.1-223 of the Code of Virginia, 1950, as amended, requires joint action by the Director of the Department of Conservation and Recreation and the Commonwealth Transportation Board; and

WHEREAS, a statement of policy agreed upon between the said Director and Board approves the use of such funds for the construction of access facilities to publicly-owned recreational areas; and

WHEREAS, the Board of Supervisors has duly adopted a Zoning Ordinance pursuant to Article 8 (Section 15.1-486 et seq.), Chapter 11, Title 15.1 of the Code of Virginia; and

WHEREAS, it appears to the Board of Supervisors that all requirements of the law have been met to permit the Director of the Department of Conservation and Recreation to designate the Central Fauquier Sports Complex and Community Park as a public recreational facility and further permit the Commonwealth Transportation Board to provide funds for access to this public recreation area in accordance with Section 33.1-223 of the Code of Virginia; and

WHEREAS, the right of way of the proposed access road and bikeway will be provided by the County of Fauquier at no cost to the Recreational Access Fund; and

WHEREAS, the Board of Supervisors acknowledges that, pursuant to the provisions of Section 33.1-223 of the Code of Virginia, this road and bikeway shall be designated a "Virginia Byway" and recommends the Commonwealth Transportation Board, in cooperation with the Director of the Department of Conservation and Recreation, take the appropriate action to implement this designation. Further, the Board of Supervisors agrees, in keeping with the intent of Section 33.1-63 of the Code of Virginia, to use its good offices to reasonably protect the aesthetic or cultural value of this road and bikeway; and

WHEREAS, on October 16, 2002, the Virginia Department of Transportation Board awarded Recreation Access Funds in the amount of \$320,450 for the Central Fauquier Sports Complex with a breakdown as follows: Bikeway State funding of \$53,000, and Access Road State funding of \$250,000 plus a State match of \$17,450 = \$320,450 (a local match of \$17,450 to be funded from the current Central Sports Complex allocation brings total Access Road funding to \$337,900); and

WHEREAS, all grants must be accepted by the Board of Supervisors; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the County of Fauquier does hereby accept the Recreation Access Grant Award of \$320,450, from the Virginia Department of Transportation, to provide an entrance roadway and bikeway to the Central Fauquier Sports Complex; and, be it

RESOLVED FURTHER, That the Virginia Department of Transportation Recreation Access Grant Award be, and is hereby, accepted and the County Administrator be, and is hereby, authorized to execute any necessary documents; and, be it

RESOLVED FINALLY, That the Supplemental Appropriation in the amount of \$320,450 be, and is hereby, approved.

A Resolution Accepting the Award of a Virginia Outdoors Fund/Land and Water Conservation Fund Grant for Park Development at Vint Hill Swimming Pool

RESOLUTION

A RESOLUTION ACCEPTING THE AWARD OF A VIRGINIA OUTDOORS FUND/LAND AND WATER CONSERVATION FUND GRANT FOR PARK DEVELOPMENT AT VINT HILL SWIMMING POOL

WHEREAS, there is, and has been for years, an urgent need in Fauquier County for swimming facilities; and

WHEREAS, the Fauquier County Board of Supervisors has adopted a plan to address the shortage of swimming pools in Fauquier County; and

WHEREAS, the Board of Supervisors has appropriated funding for the initial pool to be built at Vint Hill; and

WHEREAS, this project has been deemed to be of high development priority by the Board of Supervisors of Fauquier County and shall be referred to as the Vint Hill Swimming Pool; and

WHEREAS, in order to obtain funding assistance from the Department of Conservation and Recreation, the Board of Supervisors has given its assurance that the funds needed as the proportionate share of the cost of the approved program will be provided, up to One Million One Hundred Seventy-Four Thousand Seven Hundred Six Dollars (\$1,174,706); and

WHEREAS, an additional amount beyond that proportionate share of this project of One Hundred Twenty-Five Thousand Dollars (\$125,000) was requested from the Department of Conservation and Recreation; and

WHEREAS, the Virginia Department of Conservation and Recreation and the National Park Service approved said grant request of \$125,000 in January of 2003; and

WHEREAS, all grants must be accepted by the Board of Supervisors; now, therefore be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the County of Fauquier does hereby accept the Grant of \$125,000 in support of park development at Vint Hill Swimming Pool from the Virginia Outdoors Fund/Land and Water Conservation Fund (L&WCF); and, be it

RESOLVED FURTHER, That the Virginia Outdoors Fund (VOF)/Land and Water Conservation Fund (L&WCF) Program Agreement for Project Development and Administration be, and it is hereby, approved, and that the County Administrator, be, and is hereby, authorized to execute this Agreement; and, be it

RESOLVED FURTHER, That the County Administrator be, and is hereby, authorized to cause such information or materials as may be necessary to be provided to the Department of Conservation and Recreation (DCR) and to enter into such agreement as may be necessary to permit the formulation, approval, and funding of the Vint Hill Swimming Pool; and, be it

RESOLVED FURTHER, That the Board of Supervisors of Fauquier County gives its assurance that the General Provisions of the Land and Water Conservation Fund Act (L&WCF) and the Virginia Outdoors Fund Fiscal Procedures will be complied with in the administration of this project; and, be it

RESOLVED FURTHER, That the Board of Supervisors of Fauquier County will operate and maintain the public recreation facility in good condition and will provide permanent project

acknowledgement signs of the participating funding agencies and that this signage will clearly state that said facility is a “public” recreational facility; and, be it

RESOLVED FURTHER, That the Board of Supervisors of Fauquier County shall dedicate the metes and bounds of the Vint Hill Swimming Pool property, in perpetuity, for public outdoors, recreational purposes in accordance with the Land and Water Conservation Fund Act (L&WCF); and, be it

RESOLVED FURTHER, That the Board of Supervisors of Fauquier County gives its assurance that all other applicable Federal and State regulations governing such expenditure of funds will be complied with in the administration, development, and subsequent operation of this Swimming Pool; and, be it

RESOLVED FURTHER, That the Department of Conservation and Recreation is respectfully requested to assist in approval and funding of the Vint Hill Swimming Pool in order to enhance the standard of public recreational enjoyment for all our citizens; and, be it

RESOLVED FURTHER, That the Virginia Department of Conservation and Recreation Virginia Outdoors Fund/Land and Water Conservation Fund Grant Award be, and is hereby, accepted and that the County Administrator, be, and is hereby, authorized to execute any documents needed; and, be it

RESOLVED FINALLY, That the Supplemental Appropriation in the amount \$125,000 be, and is hereby, approved.

A Resolution Directing the County Administrator to Schedule a Public Hearing on a Proposed Transfer of a Sanitary Sewer Easement from the County of Fauquier to the Fauquier County Water and Sanitation Authority

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED TRANSFER OF A SANITARY SEWER EASEMENT FROM THE COUNTY OF FAUQUIER TO THE FAUQUIER COUNTY WATER AND SANITATION AUTHORITY

WHEREAS, upon recordation of the plat of subdivision for Lees Glen, a twenty-foot (20') sanitary sewer easement was dedicated to the County of Fauquier; and

WHEREAS, the Fauquier County Water and Sanitation Authority provides sanitary sewer to the Lees Glen Subdivision; and

WHEREAS, Fauquier County does not provide sanitary sewer; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 24th day of February 2003, That the County Administrator be, and is hereby, directed to schedule a public hearing on

a proposed transfer of a sanitary sewer easement from the County of Fauquier to the Fauquier County Water and Sanitation Authority.

A Resolution to Approve Donation of Funds to Fauquier SPCA, Inc., for the Sale of Animal Friendly License Plates

RESOLUTION

A RESOLUTION TO APPROVE DONATION OF FUNDS TO FAUQUIER SPCA, INC., FOR
THE SALE OF ANIMAL FRIENDLY LICENSE PLATES

BE IT RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That, upon receipt, the sum of \$2,100.00 due to Fauquier County from the Commonwealth of Virginia based on the sale of Animal Friendly license plates, as authorized by Section 46.2-749 of the Code of Virginia (1950), as amended, be, and is hereby, appropriated for donation to the Fauquier SPCA, Inc., for the exclusive use by that organization for the sterilization of dogs and cats.

A Resolution to Authorize the Execution of a Contract to Purchase Land

RESOLUTION

A RESOLUTION TO AUTHORIZE THE EXECUTION OF
A CONTRACT TO PURCHASE LAND

WHEREAS, the Board of Supervisors has determined that it is appropriate to acquire a parcel of land in the vicinity of Ensor's Shop Road to construct a tower for the Fauquier County Public Safety Radio System; and

WHEREAS, the Glatfelter Pulp Wood Company has agreed to enter into a contract to sell approximately three (3) acres of land under the terms outlined in the Agreement of Sale; and

WHEREAS, the Board of Supervisors has determined that the proposed Agreement of Sale is acceptable; now, therefore, be it

RESOLVED by the Board of Supervisors of Fauquier County this 24th day of February 2003, That the Chairman of the Board of Supervisors be, and is hereby, authorized to execute the Agreement of Sale.

A Resolution to Award a Contract for Architectural Design Services for the Renovation of the Adult Detention Center Booking Area

RESOLUTION

A RESOLUTION TO AWARD A CONTRACT FOR ARCHITECTURAL DESIGN SERVICES FOR THE RENOVATION OF THE ADULT DETENTION CENTER BOOKING AREA

WHEREAS, funds are provided in the Capital Improvements Program for the renovation of the booking area at the Adult Detention Center; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the County Administrator be, and is hereby, authorized to execute a contract with Moseley Architects of Virginia, in the amount of \$249,000.00 for design services for the renovation of the booking area at the Adult Detention Center.

A Resolution to Request that the Virginia Department of Transportation Install Traffic Calming Measures at the Intersection of Route 806 (Elk Run Road) and Route 17 (Marsh Road)

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF TRANSPORTATION INSTALL TRAFFIC CALMING MEASURES AT THE INTERSECTION OF ROUTE 806 (ELK RUN ROAD) AND ROUTE 17 (MARSH ROAD)

WHEREAS, the Fauquier County Board of Supervisors is concerned about traffic safety at the intersection of Route 806 and Route 17 and requests traffic calming measures be installed at this intersection; and

WHEREAS, the Virginia Department of Transportation (VDOT) indicates that this intersection meets some of the required warrants for the installation of a traffic signal; and

WHEREAS, on January 29, 2003, the Fauquier County Transportation Committee approved a motion recommending approval of the installation of a flashing beacon in conjunction with a formal study of the effectiveness of this requested traffic calming measure; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the Board of Supervisors does hereby authorize the County's request for installation and maintenance by VDOT of a flashing beacon at the intersection of Route 806 and Route 17; and, be it

RESOLVED FURTHER, That the Board of Supervisors requests VDOT formally study the effectiveness of this traffic calming measure and report its findings to the Transportation Committee.

A Resolution to Request that the Virginia Department of Transportation Install Traffic Calming Measures for the Emerald Oaks Subdivision

RESOLUTION

A RESOLUTION TO REQUEST THAT THE VIRGINIA DEPARTMENT OF
TRANSPORTATION INSTALL TRAFFIC CALMING MEASURES FOR THE EMERALD
OAKS SUBDIVISION

WHEREAS, the Fauquier County Transportation Committee received a request from residents in the Emerald Oaks Subdivision for traffic calming measures, including three-way stop signs at the intersection of Auburn Mill Road and Wemberly Drive, "Watch for Children" signage on Auburn Mill Road, and signage indicating the maximum penalty for exceeding the posted maximum speed limit; and

WHEREAS, the Virginia Department of Transportation (VDOT) requires that the Board of Supervisors forward a resolution approving each request for "Watch for Children" signage and other traffic calming measures, so VDOT may accommodate these requests; and

WHEREAS, the Board of Supervisors requests VDOT formally study the request to remove the double yellow pavement markings along Auburn Mill Road and study other traffic calming measures and report the findings to the Fauquier County Transportation Committee; and

WHEREAS, on January 29, 2003, the Fauquier County Transportation Committee approved a motion recommending approval of the requested traffic calming measures; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the Board of Supervisors does hereby authorize the County's request for installation and maintenance by VDOT of traffic calming measures for the Emerald Oaks Subdivision including three-way stop signs at the intersection of Auburn Mill Road and Wemberly Drive, "Watch for Children" signage on Auburn Mill Road, and pursuant to Section 46.2-878.2 of the Code of Virginia signs advising of the maximum penalty for exceeding the posted maximum speed limit along Auburn Mill Road; and, be it

RESOLVED FURTHER, That the Board of Supervisors requests VDOT formally study the request to remove the double yellow pavement markings along Auburn Mill Road and study other traffic calming measures and report its findings to the Transportation Committee.

Fauquier County Board of Supervisors Subdivision Street Acceptance Resolution for Lees Glen Subdivision, Section 2, Phase 1, Lee Magisterial District

RESOLUTION

FAUQUIER COUNTY BOARD OF SUPERVISORS
SUBDIVISION STREET ACCEPTANCE RESOLUTION FOR
LEE'S GLEN SUBDIVISION, SECTION 2, PHASE 1
LEE MAGISTERIAL DISTRICT

WHEREAS, Battle Ridge Drive, a street shown on the site location map titled "Lees Glen Subdivision, Battle Ridge Drive" dated February 5, 2003, and described on the Additions Form SR-5(A), fully incorporated herein by reference, is shown on plats recorded in the Clerk's Office of the Circuit Court of Fauquier County; and

WHEREAS, the Resident Engineer for the Virginia Department of Transportation has advised this Board this street meets the requirements established by the *Subdivision Street Requirements* of the Virginia Department of Transportation; and

WHEREAS, the above street serves a genuine public need; and

WHEREAS, on February 7, 1995, Fauquier County and the Virginia Department of Transportation entered into an agreement, for comprehensive stormwater detention, which applies to this request for addition; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the Virginia Department of Transportation be, and is hereby, requested to take the necessary action to add the above described street in the State Highway Secondary System for maintenance, as provided in Sec. 33.1-229, Code of Virginia, and the Virginia Department of Transportation's *Subdivision Street Requirements*; and, be it

RESOLVED FURTHER, That the Board of Supervisors does guarantee the Commonwealth of Virginia a minimum unrestricted right-of-way of fifty feet in the Lee's Glen Subdivision, Section 2, Phase 1 with necessary easements for cuts, fills, and drainage; as recorded in Deed Book 849, Page 1320, dated September 8, 1999; and, be it,

RESOLVED FINALLY, That a certified copy of this resolution be forwarded to the Resident Engineer for the Virginia Department of Transportation.

Consider Preliminary Subdivision Application (PP03-CR-20), Leighigh Subdivision

No further action required.

Consider Preliminary Subdivision Application (PP03-M-18), Stroud Subdivision

No further action required.

A Resolution to Amend the FY 2003 Budget in the Amount of \$68,500 for Fauquier High School Tennis Court Project

RESOLUTION

A RESOLUTION TO AMEND THE FY 2003 BUDGET IN THE AMOUNT OF \$68,650 FOR
FAUQUIER HIGH SCHOOL TENNIS COURT PROJECT

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2003, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget ; and

WHEREAS, during the course of a fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the School Division has requested transfer from the completed Marshall Middle School Project in the Capital Improvements Program to the Fauquier High School Tennis Court Project; and

WHEREAS, the Finance Committee Policy, March 5, 2001, requires the Board of Supervisors' approval for any amendments to the Capital Improvements Program; and

WHEREAS, the Finance Committee reviewed this request at its February meeting and recommends approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That \$68,650 be approved for transfer from the Marshall Middle School Project in the Capital Improvements Program to the Fauquier High School Tennis Court Project, and is hereby approved and transferred as follows:

<u>Source</u>	<u>FROM</u>	<u>Amount</u>	<u>Department</u>	<u>TO</u>	<u>Amount</u>
	<u>Code</u>			<u>Code</u>	
<u>FY 2003</u>					
CIP Marshall Middle School Project	4-302-94625-9999	\$68,650	School Division	4-302-94605-8215	\$68,650
TOTAL		\$68,650			\$68,560

A Resolution to Authorize the Submission of TEA-21 Reauthorization Projects

RESOLUTION

A RESOLUTION TO AUTHORIZE THE SUBMISSION OF
TEA-21 REAUTHORIZATION PROJECTS

WHEREAS, on February 4, 2003 the Fauquier County Board of Supervisors received a request from Congresswoman Jo Ann Davis for the County's suggestions and recommendation relating to the TEA-21 Reauthorization: Member Requests for Highway and Transportation Projects; and

WHEREAS, the County has identified two key projects that are appropriate for consideration for possible inclusion in the upcoming TEA-21 Reauthorization; and

WHEREAS, one is the renovation of the historic Bealeton Station Depot, which will serve as critical community meeting space for the Bealeton Library in that growing community; and

WHEREAS, the second is for preliminary planning and engineering for the proposed location of the U.S. 29/Route 215 interchange and its linkage to the Interstate 66 corridor, with U.S. 29 currently designated as a high priority corridor on the national highway system; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the Fauquier County Board of Supervisors does hereby authorize the submission of the Bealeton Depot renovation and the preliminary planning and engineering related to the U.S. 29/Rt. 215 interchange location and its linkage to Interstate 66 as Fauquier County's priority projects for consideration in the TEA-21 Reauthorization process.

A Resolution to Award a Change Order to the Contract of Earl Telecom, LLC, for the View Tree Tower Shelter

RESOLUTION

A RESOLUTION TO AWARD A CHANGE ORDER TO THE CONTRACT OF EARL
TELECOM, LLC, FOR THE VIEW TREE TOWER SHELTER

WHEREAS, Fauquier County has approved a contract for the construction of a communications tower at View Tree as part of the public safety communications system; and

WHEREAS, it is necessary to provide an equipment shelter at the site for the public safety communications equipment, since the View Tree Shelter is no longer available to Fauquier County; and

WHEREAS, Fauquier County has received proposals from Motorola and Earl Telecom to provide the equipment shelter, generator, UPS and related site work; and

WHEREAS, the proposal from Earl Telecom in the amount of \$387,533 represents the most economical approach for Fauquier County; and

WHEREAS, Fauquier County will receive a reduction in the Motorola contract of \$213,142 to partially offset these costs; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the Board of Supervisors does hereby authorize an amendment to the contract for construction of a communications tower at View Tree in the amount of \$387,533 for an equipment shelter and related equipment.

A Resolution to Authorize a Change in the Location of the Fauquier County Board of Supervisors Regular Meeting of March 17, 2003

RESOLUTION

A RESOLUTION TO AUTHORIZE A CHANGE IN THE LOCATION OF THE FAUQUIER
COUNTY BOARD OF SUPERVISORS' REGULAR MEETING
OF MARCH 17, 2003

BE IT RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the Board of Supervisors does hereby authorize the change in the location for the March 17, 2003 regularly scheduled meeting to the Barn at Lord Fairfax Community College, 6480 College Street, Warrenton, Virginia.

CONSIDER REZONING REQUEST #RZ03-M-01 – CARLIN W. MILLS AND HAROLD E. MILLS, OWNERS, AND J. WILLIAM GILLIAM, APPLICANT – JWG, LLC

Application withdrawn by applicant. No further action required.

CONSIDER SPECIAL EXCEPTION #SE03-L-17 – MICHAEL AND BARBARA WINTERMYER, OWNERS/APPLICANTS

On January 21, 2003, a public hearing was held to receive citizens' comments on an application to obtain special exception approval under Category 26, which would allow for a decrease in the non-common open space requirement. The property is zoned Rural-Agriculture (RA) and is located on the southwest side of Cemetery Road (Route 658), Lee District (PIN #6879-30-1974-000). The Board voted to table a decision on the matter until the next regularly scheduled meeting. Mr. Winkelmann moved to approve the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: **Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham;
Ms. Sharon McCamy; Mr. Larry L. Weeks**
Nays: **None**
Absent During Vote: **None**
Abstention: **None**

RESOLUTION

A RESOLUTION TO APPROVE SPECIAL EXCEPTION # SE 03-L-17, CATEGORY 26:
REDUCTION IN NON-COMMON OPEN SPACE,
PIN: 6879-30-1974-000, LEE DISTRICT, MICHAEL AND BARBARA WINTERMYER,
OWNERS AND APPLICANTS

WHEREAS, the owner of the property, identified by PIN 6879-30-1974-000, has requested a Category 26 Special Exception to reduce the required Non-Common Open Space in an RA zone; and

WHEREAS, the requested Special Exception is preparatory to a single administrative division of this property; and

WHEREAS, the property owners agree to no further division of either parcel created by the proposed single administrative division; and

WHEREAS, on December 19, 2002, the Planning Commission voted unanimously to forward Special Exception # SE03-L-17 to the Board of Supervisors with a recommendation of conditioned approval; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That Special Exception # SE03-L-17, Michael and Barbara Wintermyer, Applicants, be, and is hereby, approved, subject to the following conditions:

Concurrent with the County's approval of the proposed administrative division, the applicant shall:

1. Record a Deed of Easement designating the \pm 35.26 acre remainder as non-common open space;
2. Record an easement restricting the newly created \pm 10.97 acre lot from any further subdivision; and
3. Record a deed restriction on one or both of the lots formed by the division to assure continued maintenance of the existing pond.

SUBDIVISION ORDINANCE TEXT AMENDMENT

On January 21, 2003, a public hearing was held to receive citizens' comments on a proposed amendment to Section 2-39(A)(1) of the Subdivision Ordinance to include in the definition of "immediate family members" grandparent, spouse, sibling, aunt, uncle, niece, and nephew. The Board voted to table a decision on the matter until the next regularly scheduled meeting. Ms. McCamy moved to approve the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

ORDINANCE

AN ORDINANCE AMENDING SECTION 2-39(A)(1) OF THE FAUQUIER COUNTY SUBDIVISION ORDINANCE TO AMEND THE DEFINITION OF "IMMEDIATE FAMILY"

WHEREAS, in October of 2002, the Board of Supervisors transmitted proposed changes to the "immediate family" definition as it relates to family divisions in the Subdivision Ordinance for Planning Commission review and recommendations; and

WHEREAS, on December 19, 2002, the proposed amendment was subject to Planning Commission public hearing; and

WHEREAS, on January 21, 2003, the Board of Supervisors conducted a public hearing on the proposed amendment; and

WHEREAS, the Board of Supervisors considers and believes the amendment is in the best interest of the citizens of Fauquier County in terms of preserving family cohesiveness and forwarding the preservation of family farming; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 24th day of February 2003, That Section 2-39(A)(1) of the Fauquier County Subdivision Ordinance be, and is hereby, amended for all applications filed after this date, as follows:

SECTION 2 – DEFINITIONS (WORDS AND TERMS)

2-39 Subdivision

- 3) An exception to the definition of "Subdivision" is made and approval by the agent is permitted for the following:

A) The single division of a lot or parcel for the purposes of a gift or sale to any member of the owner's immediate family provided:

- 1) The grantee is a natural or legally defined child, grandchild, parent, grandparent, or a trustee or guardian of a child, grandchild, parent or grandparent of one of the owners of the property.
- 2) No previous transfer under this provision has been granted to the grantee in this County.
- 3) The lot will not be voluntarily transferred to a non-immediate family member for at least ten (10) years except that a transfer of a shared interest may subsequently or simultaneously be made to the spouse of the grantee. This restriction shall be noted in the deed.
- 4) The grantee is 18 years of age and able to hold real property under the laws of Virginia.
- 5) The purpose of the transfer is to provide for the housing needs of the grantee.
- 6) The transfer is not for the purpose of circumvention of the Subdivision Ordinance.
- 7) The grantor and grantee sign an affidavit duly acknowledged before some officer authorized to take acknowledgments of deeds that certifies compliance with 1 thru 6 above.
- 8) Lots of five acres or greater shall be served by a right-of-way of not less than fifty feet in width; lots of less than five acres shall be served by a right-of-way of not less than twenty feet in width.
- 9) Each lot created hereunder and the residue lot shall have Health Department approval for sewerage disposal to serve a minimum of a two-bedroom residue.
- 10) When the residue can no longer be divided under this provision or otherwise, a note to that effect shall be contained on the plat or in the deed.
- 11) If the proposed lot(s) is served by a non-exclusive right-of-way, which is maintained by means of a recorded maintenance agreement or a duly constituted homeowners association, concurrence of the association or persons signatory to the maintenance agreement for the addition of the proposed lot(s) is required.
- 12) Procedures for approval shall be the same as those for administrative subdivisions contained in Paragraph 3-2(B).

- 13) In the event the Board of Supervisors determines a circumvention to have occurred, the family transfer approval shall be considered void and the County may take appropriate action to require compliance with all otherwise applicable subdivision and zoning requirements or may initiate action to vacate said lot. No zoning permits shall be issued for such lot(s).
- 14) If the Board finds that an extraordinary hardship is being caused by the ten-year restriction, it may reduce the time period to alleviate the hardship. This hardship provision shall be noted on the plat or in the deed.

A RESOLUTION AMENDING THE BOARD OF SUPERVISORS' PROFFER POLICY

On January 21, 2003, the Board voted to table a decision to amend the Board of Supervisors' Proffer Policy until the next regularly scheduled Board meeting. Ms. McCamy moved to approve the following resolution. Mr. Winkelmann seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION AMENDING THE BOARD OF SUPERVISORS' PROFFER POLICY

WHEREAS, the Board of Supervisors, through the Fauquier County Comprehensive Plan, has established goals and objectives establishing the need for residential rezoning applications to mitigate their impacts on public facilities and services; and

WHEREAS, the Board of Supervisors wants its Proffer Policy to be flexible enough for other unique circumstances to be considered during the residential rezoning process, without the listing of specific categories; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the following revision to B. Methodology and Policy Terms is approved:

4. Fauquier County will continue to consider any unique circumstances about a proposed development. ~~that: (i) mitigate the development's projected impact on public facilities; and (ii) create a demonstrable reduction in capital facility needs. Unique circumstances may include, but not be limited to, participation in regional road projects and affordable housing projects.~~

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING SECTION 8-38 OF THE CODE OF FAUQUIER COUNTY TO PERMIT THE TREASURER TO WAIVE ADMINISTRATIVE FEES WHERE THE FAILURE TO PAY REAL OR PERSONAL PROPERTY TAXES WAS NOT THE FAULT OF THE TAXPAYER

Mr. Winkelmann moved to approve the following resolution. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks
Nays: None
Absent During Vote: None
Abstention: None

RESOLUTION

A RESOLUTION DIRECTING THE COUNTY ADMINISTRATOR TO SCHEDULE A PUBLIC HEARING ON A PROPOSED ORDINANCE AMENDING SECTION 8-38 OF THE CODE OF FAUQUIER COUNTY TO PERMIT THE TREASURER TO WAIVE ADMINISTRATIVE FEES WHERE THE FAILURE TO PAY THE REAL OR PERSONAL PROPERTY TAXES WAS NOT THE FAULT OF THE TAXPAYER

WHEREAS, the Code of Virginia permits the Treasurer to waive penalty and interest on delinquent real or personal property taxes where the Treasurer determines that the failure to pay the tax was not the fault of the taxpayer; and

WHEREAS, pursuant to authority granted to it by the Code of Virginia, the Board of Supervisors has, under Section 8-38 of the Code of Fauquier County, imposed certain administrative fees on delinquent taxpayers; and

WHEREAS, the Treasurer wishes the authority to waive the aforesaid administrative fees when it is determined that the failure to pay the delinquent tax was not the fault of the taxpayer; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the County Administrator be, and is hereby, directed to schedule a public hearing on a proposed Ordinance authorizing the Treasurer to waive administrative fees imposed pursuant to Section 8-38 of the Code of Fauquier County where the Treasurer determines that the failure to pay real or personal property taxes was not the fault of the taxpayer.

CONSIDER PRELIMINARY SUBDIVISION APPLICATION (PP03-C-09), THE HILLS AT OLD AUBURN

The applicant is seeking preliminary plat approval to subdivide approximately 151.58 acres, zoned Rural Agricultural (RA), into five (5) single-family residential lots ranging in size

from ± 2.03 to 4.26 acres, plus a residue parcel of approximately 136.5 acres. The applicant has initiated a series of actions to create a cumulative total of eight new lots by dividing this property. An Administrative Division, creating three (3) new residential lots, was approved on September 30, 2002. The property is located on the west side of Lunsford Road (Route 674) at its intersection with Old Auburn Road (Route 670), Center District. Mr. Winkelmann moved to postpone indefinitely a decision on the application. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

APPOINTMENTS

By unanimous consent, the following appointment was approved:

- Paul Blackmer, CIP Advisory Committee, Chairman for FY 2005-2009 CIP Process.

SUPERVISORS TIME

- Mr. Winkelmann said he would prepare a letter of recommendation endorsing David Cabbage as Director of the Virginia Department of Transportation area office. Mr. Winkelmann also recommended the current policy be reviewed relating to Water and Sanitation Authority issues within the Town of Warrenton, and suggested a procedural change be made so that the Board of Supervisors would act only after the Town of Warrenton has made an initial recommendation.
- Mr. Atherton requested that the Fire and Rescue Association consider increasing existing funding allocations for Marshall Volunteer Fire and Rescue.
- Ms. McCamy stated she would request that Fauquier County be considered for funding by FEMA to update floodplain mapping.
- Mr. Graham requested continued community support for the fundraising effort to rebuild the Patterson family home, which had been destroyed by fire.

ANNOUNCEMENTS

Mr. Lee announced the next FY 2004 Budget Work Sessions would be held on March 3, 2003 and March 17, 2003, at 40 Culpeper Street, 4th Floor at 1:00 p.m., and the next regular Board meeting would be held on March 17, 2003, at the Barn at Lord Fairfax Community College at 6:30 p.m.

FISCAL YEAR 2003 BUDGET AMENDMENTS

A public hearing was held to consider an amendment to the FY 2003 adopted budget in the amount of \$2,318,721 for various budget related issues including, but not limited to, School Division construction reserve, General Government construction reserve, Liberty High School lighting. There were no speakers. The public hearing was closed. Ms. McCamy moved to adopt the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION TO AMEND THE FY 2003 ADOPTED BUDGET IN THE AMOUNT OF \$2,318,721

WHEREAS, the Board of Supervisors is charged by the Code of Virginia with the preparation of an annual budget for Fauquier County; and

WHEREAS, on March 25, 2002, the Fauquier County Board of Supervisors adopted the Fauquier County FY 2003 Budget; and

WHEREAS, during the course of the fiscal year certain events occur which necessitate changing the budget plan by increasing or decreasing the total budget; and

WHEREAS, the Finance Committee has recommended FY 2003 appropriation of \$2,318,721 for the purposes set forth below; and

WHEREAS, the Code of Virginia requires local jurisdictions to hold a public hearing for any amendment to the adopted budget exceeding the lesser of \$500,000 or 1% of the total budget; and

WHEREAS, a public hearing is scheduled for February 18, 2003; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That the County Administrator be, and is hereby, directed to consider amending the Fauquier County FY 2003 Budget in the amount of \$2,318,721 as follows:

<u>Source</u>	<u>FROM Code</u>	<u>Amount</u>	<u>Department</u>	<u>TO Code</u>	<u>Amount</u>
<u>FY 2003</u>					
Federal Funds	3-100-331000-0040	\$89	Sheriff's Office	4-100-031230-8201	\$89
Federal Funds	3-100-331000-0040	\$159	Sheriff's Office	4-100-031230-8201	\$159

Federal Funds	3-100-331000-0040	\$3,421	Sheriff's Office	4-100-031230-8201	\$3,421
Insurance	3-100-411000-0010	\$8,900	Sheriff's Office	4-302-80301-8205	\$8,900
Recovery					
State Funds	3-100-244100-0045	\$7,865	Sheriff's Office	4-100-031200-1201	\$7,865
Fund Balance	3-100-419000-0010	\$965,168	School Division	4-302-91400-0205	\$965,168
Fund Balance	3-100-419000-0010	\$1,131,084	General Government	4-302-91400-0100	\$1,131,084
Contingency	4-100-091400-9618	\$25,000	Independent Auditor	4-100-012240-3120	\$25,000
Reserve					
Contingency	4-100-091400-9618	\$143,000	School Division	4-302-94615-8250	\$143,000
Reserve					
Contingency	4-100-091400-9618	\$34,035	Budget Office	4-100-083100-TBD	\$34,035
Reserve					
TOTAL		\$2,318,721			\$2,318,721

CAPITAL IMPROVEMENTS PLAN FY 2004-2008

A public hearing was held to consider a proposed Capital Improvements Plan for FY 2004-2008. In accordance with Section 15.2-2239 of the Code of Virginia, the Planning Commission is reviewing the proposed Fauquier County Capital Improvements Plan (CIP) for Fiscal Years 2004-2008. The CIP is Fauquier County's statement of intent regarding programming of its public facilities, such as schools, libraries, parks and recreation facilities, over the next six fiscal years. Prior to forwarding this plan to the Board of Supervisors, the Planning Commission held a public hearing to receive citizen comments on the plan. Due to its length, the complete CIP document was not transmitted electronically. Complete hard copies of the CIP were provided to members of the Board of Supervisors for review prior to regular Board meeting, and are included in the permanent record. Richard Robison, Chairman of the Planning Commission, gave an overview of the contents of the CIP for Fiscal Years 2004-2008. Colin Cantrell, Scott District, expressed concern about landowner's rights. Susannah Grove, representing the Extension Leaders Council, requested funding be allocated for structural repairs of the Fauquier County Extension Office. Kitty Smith, Marshall District, spoke in support of the work done by the Planning Commission to prepare its recommendations for the CIP. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to postpone a decision on the Capital Improvements Plan to coincide with final action taken by the Board on the Fiscal Year 2004 budget. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes:	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
Nays:	<i>None</i>
Absent During Vote:	<i>None</i>
Abstention:	<i>None</i>

PROPOSED ZONING ORDINANCE TEXT AMENDMENTS

A public hearing was held to consider a proposed Zoning Ordinance text amendment to Section 5-015 (Revocation of a Special Permit or Special Exception) to bring into conformance with the Code of Virginia; and a proposed Zoning Ordinance Text Amendment to Section 15-300 (Definitions) regarding inoperable vehicles; and a proposed Zoning Ordinance Text Amendment to Section 15-300 (Definitions) regarding definition of agriculture as it pertains to forestry products; and a proposed Zoning Ordinance Text Amendment to add Section 10-206, Village Substandard Subdivisions; Section 7-301 3., to add Village Substandard Subdivisions; Sections 3-402, 3-403, and 3-405, to add maximum lot size, minimum lot width for cluster subdivisions; and minimum side and rear yard requirements for cluster subdivisions in the Village zoning district. Carolyn Bowen, Zoning Director, gave a summary of the proposed text amendments. Colin Cantrell, Scott District, spoke in opposition to amending Section 15-300, (Definitions) regarding definition of agriculture. Hank Day, representing Mildred Fletcher, spoke in favor of an amendment to add Section 10-206, Village Substandard Subdivisions; Section 7-301 3., to add Village Substandard Subdivisions; Sections 3-402, 3-403, and 3-405, to add maximum lot size, minimum lot width for cluster subdivisions; and minimum side and rear yard requirements for cluster subdivisions in the Village zoning district. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to table a decision until the next regular Board meeting on a proposed Zoning Ordinance Text Amendment to Section 15-300 (Definitions) regarding definition of agriculture as it pertains to forestry products. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

Mr. Winkelmann then moved to approve the following Zoning Ordinance Text Amendments. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham;
Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

ORDINANCE

AN ORDINANCE APPROVING AMENDMENT TO SECTION 5-015 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO CLARIFY THE LANGUAGE CONTAINED IN THE ORDINANCE AND BRING THE SECTION INTO ACCORD WITH THE LANGUAGE IN THE CODE OF VIRGINIA

WHEREAS, the Code of Virginia states a special exception or a special permit may not be revoked unless proper notification and hearing are provided to the holder of the special exception or special permit; and

WHEREAS, the current language of the Ordinance allows the Board of Zoning Appeals or Board of Supervisors to revoke the permit or exception via the original letter of violation, if the holder does not request a hearing before the issuing body; and

WHEREAS, the Code of Virginia mandates notice and hearing before any revocation is issued, even if the holder does not request or appear at such a hearing, the specific permit may not be revoked until the issuing body holds such a meeting; and

WHEREAS, the amendment would clarify the revocation procedure; and

WHEREAS, on January 23, 2003, the Fauquier County Planning Commission held a public hearing; and

WHEREAS, the Planning Commission voted unanimously to forward a recommendation for approval; and

WHEREAS, on February 24, 2003, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of this text amendment would be in keeping with the spirit of the Zoning Ordinance and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 24th day of February 2003, That Section 5-015 of the Fauquier County Zoning Ordinance be, and is hereby, amended to clarify the language contained in the Ordinance and bring the Section into accord with the language in the Code of Virginia; and, be it

ORDAINED FURTHER, That Section 5-015 (Revocation of a Special Permit or Special Exception) be amended; and, be it

ORDAINED FINALLY, That Section 5-015 of the Zoning Ordinance be amended to clarify the revocation procedure. The section shall be amended to read as follows:

5-015 Revocation of a Special Permit or Special Exception

1. Unless a time limit is specified for a special permit or special exception, the same shall be valid for an indefinite period of time but shall be revocable on the order of the BZA or Board at any time because of the failure of the owner or operator of the use covered by the permit or exception to observe all requirements of law with respect to the maintenance and conduct of the use and all conditions in connection with the special permit or special exception that were designated in issuing the same.

2. Before revoking any special permit or special exception, however, the BZA or Board shall give the holder thereof at least fifteen (15) ~~ten (10)~~ days written notice of violation. ~~If within such ten (10) days, the exception holder so requests, (T)~~the BZA or Board shall hold a hearing on the revocation of the permit or exception pursuant to the requirements of Section 13-111 of the Ordinance and Section 15.2-2204 of the Code of Virginia and shall give the applicant at least fifteen (15) ~~ten (10)~~ days advance written notice of the hearing date ~~either by registered mail or by having the notification served personally on him.~~
3. The foregoing provisions shall not be deemed to preclude the use of the other remedy prescribed by law or by this Ordinance with respect to violations of the provisions of this Ordinance.

ORDINANCE

AN ORDINANCE APPROVING AMENDMENT TO SECTION 15-300 OF THE FAUQUIER COUNTY ZONING ORDINANCE TO CLARIFY THE ZONING ORDINANCE'S DEFINITION OF AN INOPERABLE VEHICLE

WHEREAS, the Fauquier County Zoning Ordinance allows for a definition of an inoperable vehicle; and

WHEREAS, this amendment would clarify the Zoning Ordinance's definition of an inoperable vehicle; and

WHEREAS, the amendment would also make enforcement of the County's regulations against the excessive number of such vehicles more effective; and

WHEREAS, the amendment would strengthen the language in the Ordinance and would insert language found in the enabling legislation contained in the Code of Virginia; and

WHEREAS, on January 23, 2003, the Fauquier County Planning Commission held a public hearing; and

WHEREAS, the Planning Commission voted unanimously to forward a recommendation for approval; and

WHEREAS, on February 24, 2003, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of this text amendment would be in keeping with the spirit of the Zoning Ordinance and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 24th day of February 2003, That Section 15-300 of the Fauquier County Zoning Ordinance be amended to clarify the Zoning Ordinance's definition of an inoperable vehicle, and make enforcement of the County's regulations against the excessive number of such vehicles more effective; and, be it

ORDAINED FURTHER, That Section 15-300 (Definitions) be amended; and, be it

ORDAINED FINALLY, That Section 15-300 of the Zoning Ordinance be amended to strengthen the language with regard to inoperable vehicles. The section shall be amended to read as follows:

INOPERABLE VEHICLE: Any motor vehicle, trailer or semi-trailer which is inoperable but which is economically feasible to restore to operable condition, provided that such vehicle, trailer or semi-trailer shall be ~~presumed~~ considered to be an inoperable vehicle; ~~if the license plate and/or required inspection sticker is expired.~~

1. If the license plate and/or required inspection sticker is expired.
2. If neither valid license plates nor a valid inspection decal is displayed.
3. Any motor vehicle which has been partially or totally disassembled for a period of 60 days or longer by the removal of tires and wheels, the engine or other essential parts required for operation of a vehicle.

ORDINANCE

AN ORDINANCE APPROVING AMENDMENTS TO SECTION 3-402, 3-403, 3-405 AND 7-301.3 AND THE ADDITION OF SECTION 10-206 REGARDING VILLAGE SUBSTANDARD SUBDIVISIONS TO THE ZONING ORDINANCE

WHEREAS, the Fauquier County Zoning Ordinance permits owners, contract purchasers or agents of land to file text amendments with the Zoning Administrator; and

WHEREAS, an owner of land has filed several proposed text amendments regarding Village substandard subdivisions; and

WHEREAS, the amendment package would add standards for cluster developments in the Village Zoning District; and

WHEREAS, the amendment package also would add Section 10-206 (Village Substandard Subdivisions) to establish a maximum number of lots, permit the Board of Supervisors to modify the required open space to 25 percent in the case of substandard subdivisions in the Village Zoning District, set forth the types of private streets required and establish a minimum right-of-way of 40 feet; and

WHEREAS, the amendments would not increase the permitted density in the Village Zoning District, nor do they permit the creation of more than the existing number of lots or more than the existing number of dwelling units, whichever is greater, if a Village substandard division is re-subdivided; and

WHEREAS, the amendment to Section 7-301.3 refers to the types of permitted private streets for re-subdivisions of Village substandard subdivisions; and

WHEREAS, on January 23, 2003, the Fauquier County Planning Commission held a public hearing; and

WHEREAS, the Planning Commission added several refinements to the proposal filed by the applicant; and

WHEREAS, on February 24, 2003, the Fauquier County Board of Supervisors held a public hearing; and

WHEREAS, the adoption of these text amendments would be in keeping with the spirit of the Zoning Ordinance and in the best interest of the citizens of Fauquier County; now, therefore, be it

ORDAINED by the Fauquier County Board of Supervisors this 24th day of February 2003, That Sections 3-402, 3-403, and 3-405 of the Fauquier County Zoning Ordinance be, and are hereby, amended to add standards for cluster developments in the Village Zoning District; and, be it

ORDAINED FURTHER, That Section 7-301.3 (Private Streets, Applicability) be, and is hereby, amended; and, be it

ORDAINED FINALLY, That Section 10-206 (Village Substandard Subdivisions) be, and is hereby, added to the Zoning Ordinance. The sections shall be amended to read as follows:

10-206 Village Substandard Subdivisions

Notwithstanding the provisions of 201 through 205 above, in the Village Zoning Districts, lots of a substandard subdivision or subdivisions which were of record prior to May 9, 1968 that are contiguous, and conventional may be re-subdivided as a cluster subdivision provided that:

1. The number of lots after re-subdivision is not greater than (i) the number of existing substandard lots to be re-subdivided or (ii) the number of existing residential dwelling units located on such lots, whichever is greater;
2. The re-subdivision contains a minimum of 25% of total area in open space, which may be satisfied with common open space, non-common open space or a combination of common and non-common open space

platted and dedicated as one or more lots. Notwithstanding the provisions of Section 3-408, the Board of Supervisors may modify the open space requirement to allow a reduction to 25 percent open space in conjunction with the re-subdivision plat approval, provided the applicant can show that the lot layout and street connections improve the overall development design, drainage, site access, preservation of historic structures or features, or integration with the historic character of the village.

3. If private streets are to serve the re-subdivision, Type II private street standards shall apply;
4. Public or private streets shall have a minimum right-of-way forty (40) feet in width.
5. The lots shall be served by sewer service provided by the Fauquier County Water and Sanitation Authority, Town of Warrenton, Town of Remington or the Vint Hill Economic Development Authority, unless a special exception is obtained in accordance with the requirements of Section 5-3000 of this Ordinance;
6. The re-subdivision shall be in accordance with Subdivision Ordinance Section 4-12.

7-301 Applicability

Except as qualified in the Subdivision Ordinance, Type I and Type II private streets are permitted in the Commercial and Industrial zones. Private streets are prohibited for residential subdivisions except under the following circumstances:

1. Type I, II and III private streets are permitted in the RA, RC and residential zones for administrative subdivisions approved in accordance with paragraph 3-2 of the Subdivision Ordinance and divisions under paragraph 2-39 of the Subdivision Ordinance (i.e. family transfer and large lot divisions).
2. Private streets are prohibited for all other subdivisions in RA, RC and residential zones unless a special exception is obtained in accordance with the requirements of section 5-2800 or 5-2900 of this Ordinance.
3. Re-subdivision of substandard subdivisions in accordance with 10-205 or 10-206. See 10-205.3 and 10-206.3 for types of permitted private streets.

SPECIAL EXCEPTION #SER03-S-01 – MEADOW OUTDOORS FOUNDATION, INC., OWNER / APPLICANT – GREAT MEADOWS FIELD EVENTS CENTER

A public hearing was held to consider an application for special exception renewal for application #SE95-S-01 under Category 9, which would allow for the continuation of equestrian and other family oriented events. The property is located on the east side of James Madison Highway (Route 17), PIN #6978-95-2610-000, in Scott District. Leslie Vansant, Executive

Director for Great Meadows Foundation, requested favorable consideration of the application. Colin Cantrell, Scott District, spoke in favor of the special exception application. No one else spoke. The public hearing was closed. Mr. Weeks moved to approve the following resolution. Ms. McCamy seconded, and the vote for the motion was unanimous as follows:

Ayes: *Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks*
Nays: *None*
Absent During Vote: *None*
Abstention: *None*

RESOLUTION

A RESOLUTION APPROVING SER03-S-01 TO RENEW THE CATEGORY 9 SPECIAL EXCEPTION PREVIOUSLY GRANTED TO THE MEADOW OUTDOORS FOUNDATION FOR OUTDOOR RECREATIONAL USES AT THE GREAT MEADOW FIELD EVENTS FACILITY

WHEREAS, since 1984, the Great Meadow Outdoors Foundation has successfully operated the Great Meadow Field Events Facility under a Special Exception; and

WHEREAS, in December 1997, the Board of Supervisors granted a five-year renewal of the Special Exception; and

WHEREAS, that renewal allowed for the continued use of the property for a variety of Class "A", Class "B", and Class "C" events, subject to a number of conditions imposed by the Board of Supervisors; and

WHEREAS, the last renewal has expired and the Meadow Outdoors Foundation has applied for an additional five-year renewal that would involve no increase in proposed activities and no change in the previously imposed conditions; and

WHEREAS, the Fauquier County Planning Commission has conducted a public hearing on SER03-S-01, and has recommended approval of the proposed Special Exception Renewal subject to two additional conditions; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That SER03-S-01, a renewal of a Special Exception for Outdoor Recreation at the Great Meadow Field Events Facility be, and is hereby, approved subject to the following conditions:

1. The Applicant shall be limited to an annual total of:

- Eight (8) Class A events, of which no more than five (5) shall have cumulative attendance over 25,000
- No more than one (1) of the eight (8) Class A events shall be held in any one (1) month except in the month of July in which two Class A events may be held

- Nine (9) Class B events
- Unlimited Class C events
- One Special Exception Horse Show may be held

2. Sound

- A. The General Grounds Sound System (the largest sound system on the premises) incorporating the Stewards Stand System, the Members Hill System and the Course Perimeter System shall not be used at more than three events per year.
- B. The Stewards Stand system may be used for any Class A, B or C event.
- C. Members Hill and/or Arena/Stadium Sound Systems may not be used more than eight (8) days per month.
- D. Members Hill and/or Arena Sound Systems may be used after 6:00 P.M. only one night per week and only during the months of April through November, except this limitation shall not apply to the 4th of July, the Spring and Fall Gold Cup Races and the Special Exception horse show.
- E. No sound system will be activated prior to 8:00 A.M. or remain active after 11:00 P.M. or after the permitted event has ended.
- F. Sound systems (excepting small individual portables) may only be used at events, except briefly for sound testing purposes.
- G. Sound systems may not be expanded or enlarged so as to increase the decibel level or area of coverage beyond that which exists as of the date of the granting of this exception.
- H. Cannon sounds or progressive metal music are prohibited.

3. Lighting

- A. No outdoor lighting system, other than standard floodlights attached to permanent structures, may be used on the premises except the lights on the arena/stadium, which lights shall be further regulated as follows:
 - 1) Arena/Stadium lights shall be used for events and shall be extinguished no later than 11:00 P.M.
 - 2) Arena/Stadium lighting system will be used no more than four (4) days per month plus ten (10) additional days as allocated by the applicant and only through the months of April through November, except for testing purposes.

- 3) There shall be no expansion of the existing arena/stadium lighting system.
- B. All lights will be shielded so that the source of light is not visible beyond the property boundary.
- C. Any replacement or installation of outdoor lighting fixtures or standards during the term of this Special Exception must comply with the most current Performance Standards for Outdoor Lighting Control as contained in Article 9 of the Zoning Ordinance.
4. The arena/stadium will only be used for equestrian and/or animal (non-human) oriented events throughout the year.
5. With the exception of during the 4th of July Event, no aircraft or helicopters shall land on the premises except for health, safety, emergency preparedness at the request of the State or Federal Law Enforcement Agency, or for spraying purposes.
6. No fireworks displays will be held on the premises, except on the 4th of July, and no light displays of any kind or nature shall be held on the property at any time.
7. Only one (1) Hot Air Balloon event is to be included in the number of events allowed under Class A, B or C held on the premises annually and all balloons on the premises must be tethered.
8. Building Limits
 - A. Total permitted structures on the premises shall not exceed 20,000 square feet in area.
 - B. Any structures must comply with Fauquier County building codes and building permit requirements.
 - C. All structures shall be constructed of materials and colored so as to harmonize with the natural landscape.
 - D. Additional permanent structures built on the premises shall be restricted to those necessary for maintenance and security of the site.

9. Highway

The applicant shall comply with all requirements of the Virginia Department of Transportation. Traffic control for all events having anticipated attendance in excess of 2,500 persons must be coordinated with the Fauquier County Sheriff's Department.

10. Health

The applicant shall comply with all requirements of the Fauquier County Health Department including fire safety.

11. Public Safety

All Class A, B & C events shall be approved in advance by the Office of Emergency Services in compliance with Sections five-914.6, five-915.6 and five-916.6 of the Zoning Ordinance. The applicant shall specify the type and number of rescue equipment and public safety personnel to ensure that adequate services are maintained on site at all times. Every effort will be made to hire local public safety personnel where feasible.

12. Other Permits

The applicant shall apply for no other zoning permit from the Board of Supervisors and the Board of Zoning Appeals during the term of this Special Exception, except as necessary to allow one horse show per year for a maximum duration of five days and a maximum attendance of 5,000 people.

13. Terms

This permit is issued for a period of five (5) years commencing with the month in which the Board of Supervisors approves it and ending at the end of that same month five (5) years hence.

SPECIAL EXCEPTION #SEA03-L-01 - LUCKSTONE CORPORATION, OWNER AND FAUQUIER COUNTY BOARD OF SUPERVISORS, APPLICANT

A public hearing was held to consider an application to amend a special exception condition to allow the temporary use of a private road for the construction and maintenance of the Old Dominion Electric Cooperative Marsh Run Facility. The property is located on the southwest side of Route 17 and Energy Road, PIN #6898-27-5158-000, Lee District. There were no speakers. The public hearing was closed. Ms. McCamy moved to approve the following resolution. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

<i>Ayes:</i>	<i>Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks</i>
<i>Nays:</i>	<i>None</i>
<i>Absent During Vote:</i>	<i>None</i>
<i>Abstention:</i>	<i>None</i>

RESOLUTION

A RESOLUTION TO APPROVE SEA03-L-01, AMENDING A PREVIOUSLY APPROVED SPECIAL EXCEPTION FOR LUCK STONE CORPORATION TO ALLOW RESTRICTED USE OF A PRIVATE ROAD FOR DELIVERIES OF CONSTRUCTION MATERIALS TO THE MARSH RUN GENERATION CORPORATION PEAKING FACILITY CONSTRUCTION SITE ON OLD GRASSDALE ROAD OFF OF LUCKY HILL ROAD

WHEREAS, the Fauquier County Board of Supervisors previously granted Special Exceptions 1212, 1590, 25690 and 27420 permitting Luck Stone Corporation to operate a quarry upon certain terms and conditions; and

WHEREAS, the terms and conditions of the special exceptions prohibited the use of a private road on the Luck Stone Corporation properties; and

WHEREAS, on November 15, 1999, the Board of Supervisors amended that condition (SE99-L-43) to permit the restricted use of the private road for delivery of concrete, stone, asphalt, turbines and other construction materials to the Virginia Power Peaking Facility located on Route 655 (Lucky Hill Road); and

WHEREAS, the amendment was approved to alleviate safety issues associated with the use of Lucky Hill Road by heavy construction and industrial traffic; and

WHEREAS, the Board of Supervisors wishes to amend this special exception condition to allow the same restricted use for the same type of materials being delivered to the construction site of the approved Marsh Run Generation Corporation (a.k.a. Old Dominion Electric Cooperative) Peaking Facility; and

WHEREAS, the Fauquier County Planning Commission has conducted a public hearing on this proposed Special Exception Amendment and has forwarded a recommendation of approval subject to certain conditions; and

WHEREAS, such an amendment will limit the amount of heavy construction and industrial traffic on Lucky Hill Road and other nearby public roads; now, therefore, be it

RESOLVED by the Fauquier County Board of Supervisors this 24th day of February 2003, That SEA-L-01, an amendment to the Special Exception Condition prohibiting the use of the private road located on the Luck Stone Corporation be, and is hereby, approved, subject to the following conditions:

1. That the amendment be limited to allow the use of the Luck Stone private road only to permit delivery of concrete, stone, asphalt, turbines, and other construction materials and equipment directly related to the construction of the Marsh Run Generation Corporation Peaking Facility.
2. That ODEC monitor the use of the Luck Stone private road to assure that the road is only used for traffic related to the construction of the Marsh Run facility.
3. That the term of this amendment will be limited to the duration of the construction of the Marsh Run Peaking Facility, and will expire upon completion of that facility.

REZONING REQUEST #RZ03-C-04 – MARGARET A. HUFNAGEL & OTHERS, OWNERS, AND LANDMARK PROPERTY DEVELOPMENT, LLC, APPLICANT – RAYMOND FARM

A public hearing was held to consider an application to rezone approximately 64.0 acres from Residential – 1 (R-1) to Planned Residential Development (PRD), and obtain certain waivers at conventional subdivision standards, such as reduced yard and setback requirements. The property is located on the southeast quadrant of Routes 15/29 and Dumfries Road, Center District. Chuck Medvitz, Scott District, spoke in opposition to the rezoning request. No one else spoke. The public hearing was closed. Mr. Winkelmann moved to continue the matter indefinitely upon request of the applicant. Mr. Graham seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks***

Nays: ***None***

Absent During Vote: ***None***

Abstention: ***None***

REZONING REQUEST #RZ02-L-08 - HELEN F. HELM, OWNER, AND RICHARD M. BARB, LLC, APPLICANT

On January 21, 2003, a public hearing was held to consider an application to rezone approximately 139.5 acres from Residential-1 (R-1) and Commercial Highway (C-2) to Residential-2 (R-2). The property is located east of James Madison Highway (Routes 15/29) and west of Business Routes 15/29 in the Remington Service District, Lee District. (PIN's #6888-13-8870-000 and #6888-15-4359-000). The Board voted to continue the public hearing until the next regular Board meeting. The public hearing was reconvened to further consider Rezoning Request #RZ02-L-08. Ms. McCamy summarized the revisions to the applicants proffer statement. Ben Tissue, representing the applicants, requested favorable consideration of the application. Kitty Smith, Marshall District, stated she had no objection to the application, but asked the Board to consider the maintenance cost of parkland. No one else spoke. The public hearing was closed. Ms. McCamy moved to table a decision until the next regularly scheduled Board meeting on March 17, 2003. Mr. Weeks seconded, and the vote for the motion was unanimous as follows:

Ayes: ***Mr. Harry Atherton; Mr. Joe Winkelmann; Mr. Raymond Graham; Ms. Sharon McCamy; Mr. Larry L. Weeks***

Nays: ***None***

Absent During Vote: ***None***

Abstention: ***None***

There being no further business, the meeting was adjourned to reconvene on March 3, 2003.

I hereby certify that this true and exact record of actions taken by the Fauquier County Board of Supervisors on February 24, 2003.

A Copy Teste

*G. Robert Lee
Clerk*